



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MORGAN & FINNEGAN LLP
30 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

COPY MAILED

DEC 28 2005

OFFICE OF PETITIONS

In re Patent No. 6,882,387 :
Issue Date: April 19, 2005 :DECISION GRANTING PETITION
Application No. 09/992,062 :UNDER 37 CFR 1.78(a)(3)
Filed: November 5, 2001 :
Attorney Docket No. 2122-4066US2 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 27, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 09/421,103, filed October 19, 1999, by way of a Certificate of Correction filed concurrently herewith.

The petition is **GRANTED**.


The instant case was filed on November 5, 2001. The claim for priority to the above-noted, prior-filed nonprovisional application was not made within the time period provided by 37 CFR 1.78(a)(2)(ii). Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. See MPEP 1481.

As the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

It is noted that a Certificate of Correction issued on November 18, 2005, prior to the granting of the petition under 37 CFR 1.78(a)(3). Therefore, no further action is required in this matter.


Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt